

REMARKS

In response to the Office Action dated March 28, 2011 (hereinafter “the Office Action”), the Applicant respectfully requests reconsideration. Claims 1-3, 5-8, 10-13, and 15 were previously pending in this application. By this amendment, claims 11-13, and 15 are amended. No new matter has been added. As a result, claims 1-3, 5-8, 10-13, and 15 are pending for examination with claims 1, 6, and 11 being independent.

Rejections under 35 U.S.C. § 101

Claims 11-13, and 15 stand rejected under U.S.C. § 101, as purportedly being directed to non-statutory subject matter. Without acceding to the correctness of the rejection, claims 11-13, and 15 have been amended to recite a “computer readable storage device.” Storage devices are disclosed for example, in FIG. 1 of the application. Since the claims are directed to a physical apparatus that comprises an item of manufacture, the claims are now directed to statutory subject matter. Accordingly, reconsideration and withdrawal of the rejections of claims 11-13, and 15 under 35 U.S.C. § 101 is respectfully requested.

Double-Patenting Rejection

Claims 1-3, 5-8, 10-13, and 15 stand rejected under the judicially created doctrine of double patenting over U.S. patent 7,206,747. Without acceding to the correctness of the rejection, a terminal disclaimer is filed herewith to overcome the double-patenting rejection. Accordingly, reconsideration and withdrawal of the rejections is respectfully requested.

CONCLUSION

A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Assignee hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, the Director is hereby authorized to charge any deficiency or credit any overpayment in the fees filed, asserted to be filed or which should have been filed herewith to our Deposit Account No. 23/2825, under Docket No. N0484.70331US00.

Dated: 6-28-11

Respectfully submitted,

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